

1-1 By: Ellis, Wentworth S.B. No. 560
1-2 (In the Senate - Filed February 9, 2007; February 26, 2007,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 15, 2007, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; March 15, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to reimbursement for jury service.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 61.001, Government Code, is amended to
1-11 read as follows:

1-12 Sec. 61.001. REIMBURSEMENT OF EXPENSES OF JURORS AND
1-13 PROSPECTIVE JURORS. (a) Except as provided by Subsection (c), a
1-14 person who reports for jury service in response to the process of a
1-15 [Each grand juror or petit juror in a civil or criminal case in a
1-16 district court, criminal district court, county court, county court
1-17 at law, or justice] court is entitled to receive as reimbursement
1-18 for travel and other expenses an amount:

1-19 (1) not less than \$6 for the first day or fraction of
1-20 the first day the person is in attendance in court in response to
1-21 the process and discharges the person's duty for that day [served as
1-22 a juror]; and

1-23 (2) not less than \$40 for each day or fraction of each
1-24 day the person is in attendance in court in response to the process
1-25 [served as a juror] after the first day and discharges the person's
1-26 duty for that day.

1-27 (b) In preparing and approving the annual budget for a
1-28 county, the [Except as provided by Subsection (d), a person who
1-29 responds to the process of a court but is excused from petit jury
1-30 service by the court for any cause after the person's voir dire
1-31 examination is entitled to receive as reimbursement for travel and
1-32 other expenses an amount not less than \$6 nor more than \$50 for each
1-33 day or fraction of each day in attendance in court in response to
1-34 the process.

1-35 [The] commissioners court of the [each] county shall
1-36 determine [annually] the daily amount of reimbursement for [of]
1-37 expenses for a person who reports for jury service and discharges
1-38 the person's duty [jurors]. The amount of [Except as provided by
1-39 Subsection (d), the] reimbursement for each day must be within the
1-40 minimum and maximum amounts prescribed by this section and paid out
1-41 of the jury fund of the county. The commissioners court may set
1-42 different daily amounts of reimbursement [reimbursements] for:

1-43 (1) grand and petit jurors; or

1-44 (2) different petit jurors based on:

1-45 (A) whether a juror serves in a small claims
1-46 court, justice court, constitutional county court, county court at
1-47 law, or district court; or

1-48 (B) any other reasonable criteria determined by
1-49 the commissioners court.

1-50 (c) A person who reports for jury service in a municipal
1-51 court is not entitled to reimbursement under this chapter, but the
1-52 municipality may provide reimbursement for expenses to the person
1-53 in an amount to be determined by the municipality.

1-54 (d) [c-1] In a specific case, the presiding judge, with
1-55 the agreement of the parties involved or their attorneys, may
1-56 increase the daily amount of reimbursement for a person who reports
1-57 for jury service [jurors] in that case [to an amount not to exceed
1-58 the maximum amount prescribed by this section]. The difference
1-59 between the usual daily amount of reimbursement and the daily
1-60 amount of reimbursement for a person who reports for jury service
1-61 [jurors] in a specific case shall be paid, in equal amounts, by the
1-62 parties involved in the case.

1-63 [The commissioners court of a county may reduce or
1-64 eliminate the daily reimbursement prescribed by this section for

2-1 ~~persons who attend court for only one day or a fraction of one day.~~
 2-2 ~~The funds retained by a county as a result of reducing or~~
 2-3 ~~eliminating reimbursement as provided by this subsection may only~~
 2-4 ~~be used to increase the daily reimbursement prescribed by this~~
 2-5 ~~section for jurors and for persons who attend court for more than~~
 2-6 ~~one day.]~~

2-7 (e) A check drawn on the jury fund by the district clerk of
 2-8 the county may be transferred by endorsement and delivery and is
 2-9 receivable at par from the holder for all county taxes.

2-10 (f) A reimbursement for expenses under this section is not a
 2-11 property right of a person who reports for jury service [~~juror or~~
 2-12 ~~prospective juror~~] for purposes of Chapters 72 and 74, Property
 2-13 Code. If a check or other instrument representing a reimbursement
 2-14 under this section is not presented for payment or redeemed before
 2-15 the 90th day after it is issued:

2-16 (1) the instrument is considered forfeited and is
 2-17 void; and

2-18 (2) the money represented by the instrument may be
 2-19 placed in the county's jury fund, the county's general fund, or any
 2-20 other fund in which county funds can be legally placed, at the
 2-21 discretion of the commissioners court.

2-22 SECTION 2. Chapter 61, Government Code, is amended by
 2-23 adding Section 61.0011 to read as follows:

2-24 Sec. 61.0011. DEFINITION OF PERSON WHO REPORTS FOR JURY
 2-25 SERVICE. In this chapter, the term "person who reports for jury
 2-26 service" means a person who reports in person for duty on a grand
 2-27 jury or a petit jury, regardless of whether the person is selected
 2-28 to serve on the jury.

2-29 SECTION 3. Subsection (a), Section 61.0015, Government
 2-30 Code, is amended to read as follows:

2-31 (a) The state shall reimburse a county \$34 a day for the
 2-32 reimbursement paid under Section 61.001 to a person who reports for
 2-33 jury service in response to the process of a court [~~grand juror or~~
 2-34 ~~petit juror under Section 61.001~~] for each day or fraction of each
 2-35 day [~~served as a juror~~] after the first day in attendance in court
 2-36 in response to the process.

2-37 SECTION 4. Subsections (a) and (c), Section 61.002,
 2-38 Government Code, are amended to read as follows:

2-39 (a) If a civil case is moved by change of venue and tried in
 2-40 another county by a jury, the county in which the case was
 2-41 originally filed is liable for the payment of persons who report for
 2-42 jury service for [~~jurors serving in the trial of~~] the case.

2-43 (c) The commissioners court shall prepare an account
 2-44 against another county that is liable for the payment of persons who
 2-45 report for jury service [~~jurors~~] in a case transferred on a change
 2-46 of venue. The account must show the number of days that each person
 2-47 who reported for jury service was in attendance in court in response
 2-48 to the process and discharged the person's duty [~~the jury served~~]
 2-49 and the amount paid as reimbursement under this chapter [~~for jury~~
 2-50 ~~service~~] in the case.

2-51 SECTION 5. Subsections (a), (b), and (c), Section 61.003,
 2-52 Government Code, are amended to read as follows:

2-53 (a) Each person who reports [~~prospective juror reporting~~]
 2-54 for jury service shall be personally provided a form letter that
 2-55 when signed by the person [~~prospective juror~~] directs the county
 2-56 treasurer to donate all of the person's [~~prospective juror's~~]
 2-57 reimbursement under this chapter [~~for jury service~~] to:

2-58 (1) the compensation to victims of crime fund under
 2-59 Subchapter B, Chapter 56, Code of Criminal Procedure;

2-60 (2) the child welfare board of the county appointed
 2-61 under Section 264.005, Family Code;

2-62 (3) any program selected by the commissioners court
 2-63 that is operated by a public or private nonprofit organization and
 2-64 that provides shelter and services to victims of family violence;
 2-65 or

2-66 (4) any other program approved by the commissioners
 2-67 court of the county.

2-68 (b) The county treasurer or a designated county employee
 2-69 shall collect each form letter directing the county treasurer to

3-1 donate the [~~a prospective juror's~~] reimbursement of a person who
3-2 reports for jury service.

3-3 (c) The county treasurer shall:

3-4 (1) send all donations made under Subsection (a)(1) to
3-5 the comptroller, at the time and in the manner prescribed by the
3-6 attorney general, for deposit to the credit of the compensation to
3-7 victims of crime fund;

3-8 (2) deposit donations made to the county child welfare
3-9 board under Subsection (a)(2) in a fund established by the county to
3-10 be used by the child welfare board in a manner authorized by the
3-11 commissioners court of the county; and

3-12 (3) send all donations made under Subsection (a)(3) or
3-13 (a)(4) directly to the program specified on the form letter signed
3-14 by the person who reported for jury service [~~prospective juror~~].

3-15 SECTION 6. The change in law made by this Act applies only
3-16 to a person summoned to appear for jury service who is required to
3-17 appear on or after the effective date of this Act. A person
3-18 summoned to appear for jury service who is required to appear before
3-19 the effective date of this Act is governed by the law in effect on
3-20 the date the person is required to appear, and the former law is
3-21 continued in effect for that purpose.

3-22 SECTION 7. This Act takes effect September 1, 2007.

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